

Memorandum



Date: February 6, 2007

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

Agenda Item No. 8(A)(1)(F)

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "G. Burgess", written over the printed name of the County Manager.

Subject: Change Order MDAD-1 (Final) with Allied Contractors, Inc., Decision One Offices Relocation/AA Passenger Services Offices Relocation, Project No. B776H, which increases the contract amount by \$2,049.30

RECOMMENDATION

The attached Final (close-out) Change Order to the contract with Allied Contractors, Inc. (Allied), for Decision One Offices Relocation/AA Passenger Services Offices Relocation, Project No. B776H, has been prepared by the Miami-Dade Aviation Department (MDAD), approved by the County Manager pursuant to the provisions of Expedite Ordinance No. 95-64, and is recommended for ratification by the Board.

BACKGROUND

The North Terminal Development (NTD) contract with Allied was assigned to Miami-Dade County pursuant to the Fourth Amendment to the Lease, Construction and Financing Agreement between American Airlines (American) and the County. Substantial completion of this project was achieved in September 2005, within the specified contract time. The contract scope included the installation of additional fire sprinkler heads and lines, as well as to relocate others in existing office areas of the terminal. The lines and sprinkler heads are held in place with hangars. Upon inspection, the Miami-Dade Fire Rescue Department (MDFR) determined that existing sprinkler line hangars not part of the construction under this contract, did not meet current fire code standards. Therefore, the older sprinkler line hangars had to be brought up to code before the issuance of the Certificate of Occupancy. The contractor performed this work and submitted a claim in the amount of \$2,049.30.

As with all the other contracts American assigned to the County, this contract did not contain an allowance account. Therefore, this contract must be amended by change order so that the contract can be closed out.

CHANGE ORDER NO.: MDAD-1 (Final)

PROJECT: Decision One Offices Relocation/AA Passenger Services
Offices Relocation

PROJECT NO.: Project No. B776H

PROJECT LOCATION: Miami International Airport

PROJECT DESCRIPTION: This project is part of the North Terminal Development
Program

PRIME CONTRACTOR:	Allied Contractors, Inc.
COMPANY PRINCIPALS:	Armando Carcache
GENDER AND ETHNICITY OF PRINCIPALS:	Male, Hispanic
COMPANY QUALIFIER:	Armando Carcache
LOCATION OF COMPANY:	Hialeah, FL
YEARS IN BUSINESS:	Fifteen
CONTRACTOR PERFORMANCE:	No information is available in the Capital Improvements Information System (CIIS) database concerning this contractor.
CSBE MEASURE AT AWARD:	100%
CURRENT CSBE STATUS:	100%
ORIGINAL CONTRACT AMOUNT:	As Awarded by American \$228,502 As Assigned to the County \$228,502
CHANGE ORDER RECOMMENDATION:	\$2,049.30
CLASSIFICATION FOR CHANGE ORDER:	<input type="checkbox"/> Regulatory Change <input checked="" type="checkbox"/> Other Agency Request Change <input type="checkbox"/> Design Errors Change <input type="checkbox"/> Design Omission Change <input type="checkbox"/> Unforeseen/Unforeseeable Change <input type="checkbox"/> Other
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE ORDER:	\$230,551.30
PERCENT OF INCREASE OR DECREASE OF THIS CHANGE ORDER FROM ASSIGNED CONTRACT AMOUNT:	0.90%
CONTRACT COMPLETION DATE:	9/13/05
USING AGENCY:	Miami-Dade Aviation Department
FUNDING SOURCE:	Airport Revenue Bonds



DBD REVIEW: Yes

PROJECT MANAGER: Juan Carlos Arteaga, North Terminal Program Manager

**APPROVED AS TO LEGAL
SUFFICIENCY:** Yes



Susanne Torriente,
Chief of Staff/Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: February 6, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 8(A)(1)(F)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(A)(1)(F)

02-06-07

RESOLUTION NO. _____

**RESOLUTION RATIFYING ACTIONS OF COUNTY
MANAGER PURSUANT TO PROVISIONS OF ORDINANCE
NO. 95-64, IN EXECUTING CHANGE ORDER MDAD -1
(FINAL) TO THE NORTH TERMINAL DEVELOPMENT
CONTRACT WITH ALLIED CONTRACTORS, INC., FOR
DECISION ONE OFFICES RELOCATION/AA PASSENGER
SERVICES OFFICES RELOCATION, PROJECT NO. B776H
AT MIAMI INTERNATIONAL AIRPORT, WHICH
INCREASES THE CONTRACT AMOUNT BY \$2,049.30**

WHEREAS, the Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, pursuant to Ordinance 95-64, this Board approves, ratifies, and confirms the action of the County Manager in executing Change Order MDAD-1 (Final), to the North Terminal Development Contract with Allied Contractors, Inc., for Decision One Offices Relocation/AA Passenger Services Offices Relocation, Project No. B776H, in substantially the form attached hereto, in the amount of \$2,049.30, all as more particularly set forth in the attached memorandum from the County Manager.

The foregoing resolution was offered by Commissioner _____,
who moved its adoption. The motion was seconded by _____ and
upon being put to a vote, the vote was as follows:

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Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of February, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. *DBM*

Deborah Bovarnick Mastin

**MIAMI - DADE COUNTY
CHANGE ORDER TO ORIGINAL CONTRACT**

CHANGE ORDER NO. MDAD 1 (Final) PROJECT NO. B776H DATE: 7/20/06
PROJECT NAME: Decision One Offices Relocation/AA Passenger Services Offices Relocation
TO CONTRACTOR: Allied Contractors, Inc.

YOU ARE HEREBY REQUESTED TO MAKE THE FOLLOWING CHANGES TO THE CURRENT CONTRACT, AND TO PERFORM THE WORK SUBJECT TO ALL CONTRACT STIPULATIONS AND COVENANTS

ITEM NO.	DESCRIPTION	AMOUNT
1	Increase the Contract Amount to correct older existing fire sprinkler line hangars that are outside the current fire code and to close out the contract JUSTIFICATION: OTHER AGENCY REQUESTED CHANGE	\$2,049.30

OCT 10 2006


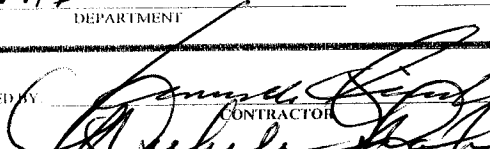

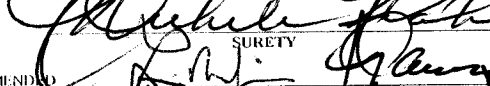
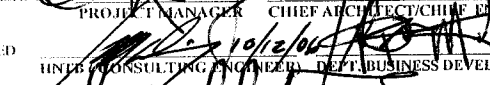

SUMMARY OF CONTRACT AMOUNT

REASON FOR CHANGE:	ORIGINAL CONTRACT AMOUNT AT ASSIGNMENT	\$ 228,502.00
	COST OF CONSTRUCTION CHANGES PREVIOUSLY ORDERED BY COUNTY	\$0.00
<input type="checkbox"/> Regulatory Change	ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE ORDER ..	\$ 228,502.00
<input type="checkbox"/> Other Agency Requested Change	COST OF CONSTRUCTION CHANGES THIS ORDER	\$ 2,049.30
<input type="checkbox"/> Design Errors Change	ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE ORDER ..	\$ 230,551.30
<input type="checkbox"/> Design Omission Change	PER CENT INCREASE, THIS CHANGE ORDER ..	0.90 %
<input type="checkbox"/> County Requested Change	TOTAL PER CENT INCREASE TO DATE	0.90 %
<input type="checkbox"/> Unforeseen or Unforeseeable Change	EXTENSION OF TIME ALLOWED BY THIS CHANGE <u>0</u> CALENDAR DAYS TO NA	

CERTIFYING STATEMENT: I hereby certify that the supporting cost data included is, in my considered opinion, accurate; that the prices quoted are fair and reasonable and in proper ratio to the cost of the original work contracted for under benefit competitive bidding.

SIGNATURE CONSULTING ARCHITECT OR ENGINEER

TO BE FILLED OUT BY DEPARTMENT INITIATING CHANGE ORDER

MDAD	DA	
DEPARTMENT	FUNDS BUDGETED CODE	CERTIFIED BY
ACCEPTED BY 	CONTRACTOR	APPROVED: 
	SURETY	BUDGET DIRECTOR
RECOMMENDED 	PROJECT MANAGER	DADE COUNTY, Florida
	CHIEF ARCHITECT/CHIEF ENGINEER	By its BOARD OF COUNTY COMMISSIONERS
APPROVED 	HNTB CONSULTING ENGINEER	By: _____
	DEPT. BUSINESS DEVELOPMENT	County Manager
APPROVED 	DEPARTMENTAL DIRECTOR	DATE
		ATTEST: _____
		By: _____
		Deputy Clerk

cc: AEC Consultant, General Contractor, Surety, Project Manager, HNTB, DAC Projects Control, Contracts Administration

**MIAMI - DADE COUNTY
CHANGE ORDER TO ORIGINAL CONTRACT**

CHANGE ORDER NO MDAD 1 (Final)

PROJECT NO. B776H

DATE: 7/20/06

PROJECT NAME: Decision One Offices Relocation/AA Passenger Services Offices Relocation

TO CONTRACTOR: Allied Contractors, Inc.

SUPPLEMENTAL INFORMATION

Item 1: Increase the Contract Amount to correct older existing fire sprinkler line hangars that are outside the current fire code and to close out the contract.

JUSTIFICATION: OTHER AGENCY REQUESTED CHANGE

Part of the scope of this contract was to install additional fire sprinkler heads and lines and relocate others in existing office areas of the terminal. The lines and sprinkler heads are held in place with hangars. When the Fire Department made its inspection, the Fire Department determined that existing sprinkler line hangars that were not part of the construction under this contract were not up to the current fire code standards. All of these older sprinkler line hangars had to be brought up to code before the Fire Department would sign off on the Certificate of Occupancy. The cost of this out of scope work was \$2,049.30.

RELEASE OF CLAIM

In consideration of and conditional upon payment to Contractor by Miami-Dade County (hereinafter "County"), of the final Contract Amount shown on the cover page, which amount includes the final Pay Application in this contract, the Contractor releases County, and its officers, employees and agents from, and waives and relinquishes any and all claims, disputes or causes of action it has or may have against the County, and its officers, employees and agents arising out of, or in connection with, the Change Order or the work performed or to be performed under the Contract Documents.

The Contractor accepts the Final Pay Application and the Final Contract Amount as full accord and satisfaction of all monies due it under or in connection with the Contract Documents and the work performed under the Contract Documents.

By accepting the work, County waives all claims against Contractor, except that County expressly reserves the right:

- (1) to require the repair or replacement of defective work under the warranty and guaranty provisions of the Contract Documents;
- (2) to require the repair or replacement of latent defects in the work to the extent provided by Florida law;
- (3) to perform audits and seek reimbursement of any overpayments discovered as a result of an audit, as provided in the Contract Documents;
- (4) to enforce those provisions of the Contract Documents which specifically provide that they survive the completion of the work; and
- (5) to enforce the terms of the Payment and Performance Bonds against Surety.

Contractor has read these provisions prior to executing the Final Change on the cover page of this document and understands its rights.

First Sealord Surety, Inc.
Power of Attorney

Power No: MIA-0495-06-03245

KNOW ALL MEN BY THESE PRESENTS: That First Sealord Surety, Inc., a corporation of the Commonwealth of Pennsylvania, (hereinafter the "Company") has made, constituted and appointed, and by these presents does make, constitute and appoint
Michele Mahoney and/or Gladys Keith all of Margate, Florida

its true and lawful Attorney-in-Fact, to make, execute and deliver on its behalf insurance policies, surety bonds, undertakings and other instruments of a similar nature as follows:

***** **Not To Exceed Four Million Dollars** ----- **(\$4,000,000.00)** *****

Such insurance policies, surety bonds, undertakings and instruments for said purposes, when duly executed by the aforesaid Attorney-in-Fact, shall be binding upon the said Corporation as fully and to the same extent as if signed by the duly authorized officers of the Corporation and sealed with its corporate seal; and all the acts of said Attorney-in-Fact, pursuant to the authority hereby given, are hereby ratified and confirmed.

This appointment is made pursuant to the following By-Laws which were duly adopted by the Board of Directors of the said Corporation on April 7, 2003 with all Amendments thereto and are still in full force and effect:

"Article XII: Policies, Bonds, Recognitions, Stipulations, Consents of Surety, Underwriting Undertakings, and Instruments Relating Thereto.

Section 12-1. Insurance policies, bonds, recognitions, stipulations, consents of surety and underwriting undertakings of the Corporation, and releases, agreements and other writings relating in any way thereto or to any claim or loss thereunder, shall be signed in the name and on behalf of the Corporation: a) by the Chairman of the Board, the President or a Vice President, and by the Secretary or an Assistant Secretary; or b) by an Attorney-in-Fact for the Corporation appointed and authorized by the Chairman of the Board, the President, or a Vice President to make such signature; or c) by any other officers or representatives as the Board may from time to time determine. The seal of the Corporation shall if appropriate be affixed thereto by any such officer, Attorney-in-Fact or representative. The authority of such Attorney-in-Fact and Agents shall be as prescribed in the instrument evidencing their appointment. Any such appointment and all authority granted thereby may be revoked at any time by the Board of Directors or by any person empowered to make such appointment."

IN WITNESS WHEREOF, First Sealord Surety, Inc. has caused these presents to be duly signed and its corporate seal to be hereunto affixed and duly attested this 20th day of January, 2004.



Attest:

Gary L. Bragg, Secretary

First Sealord Surety, Inc.

By:

Joel D. Cooperman, Vice President

Commonwealth of Pennsylvania
County of Montgomery

On this 20th day of January, 2004, before me personally appeared Joel D. Cooperman, Vice President of First Sealord Surety, Inc., with whom I am personally acquainted, who, being by me duly sworn, said that he resides in the Commonwealth of Pennsylvania, that he is Vice President of First Sealord Surety, Inc., the corporation described in and which executed the foregoing instrument; that he knows the corporate seal of the said Corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Corporation; and that he signed his name thereto as Vice President of said Corporation by like authority.



Anthony J. Stewart

Notary Public

Notarial Seal
Anthony J. Stewart, Notary Public
Lower Merion Twp., Montgomery County
My Commission Expires August 5, 2006
Member, Pennsylvania Association Of Notaries

CERTIFICATE

I, the undersigned Secretary of First Sealord Surety, Inc. do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this Certificate and I do further certify that the Officer who executed the said Power of Attorney was one of the Officers authorized by the Board of Directors to appoint an Attorney-in-Fact as provided in Section 12-1 of the By-Laws of First Sealord Surety, Inc. This Certificate may be signed and sealed by facsimile under and by authority of the following provisions of the By-Laws of First Sealord Surety, Inc.:

"**Section 12-2.** The use of a printed facsimile of the corporate seal of the Corporation and of the signature of the Secretary or an Assistant Secretary on any certification of the correctness of a copy of an instrument executed by an authorized person pursuant to Article XII, Section 12-1 of the By-Laws appointing and authorizing an Attorney-in-Fact to sign in the name and on behalf of the Corporation surety bonds, underwriting undertakings, or other instruments described in said Section 12-1, with like effect as if such seal and such signature had been manually affixed and made."

In Witness Whereof, I have hereunto set my hand and affixed the corporate seal of the Corporation to these presents

this 31 day of July, 2004

This power of attorney is void unless the Bond number is inserted in this paragraph (insert Bond # here Consent), the bond number is the same number as on the original bond, and the bond number has been inserted by an officer or employee of the Company or by the agent.

(seal)

Gary L. Bragg, Secretary

Change Order No. MDAD 1
MDAD Project No. B776H
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FD5. 115 2/99

FLORIDA DEPARTMENT OF INSURANCE

MICHELE ANN MAHONEY

License Number A162684

IS LICENSED TO TRANSACT THE
FOLLOWING CLASSES OF INSURANCE:
General Lines (Prop & Cas)



This licensee must have an active appointment with the insurer or employer for which products or services are being marketed. See reverse for additional requirements.